

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PIPER A. STARK,

Plaintiff,

v.

No. 1:20-cv-00904-LF

STATE OF OHIO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER
TRANSFERRING CASE TO THE SOUTHERN DISTRICT OF OHIO

THIS MATTER comes before the Court on Plaintiff's Complaint for Violation of Civil Rights, Doc. 1, filed September 3, 2020. For the reasons stated below, the Court concludes the District of New Mexico is not the proper venue for this case and TRANSFERS this case to the Southern District of Ohio.

The statute governing venue in general states:

Venue in general.--A civil action may be brought in—

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

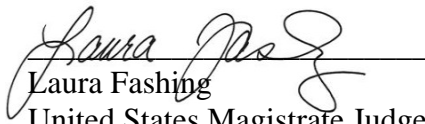
(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. §1391(b). "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a).

Plaintiff asserts claims against the State of Ohio, the City of Cincinnati, OH, Hamilton County Public Defender Office in Cincinnati, OH, Child Focus Inc. in Cincinnati, OH, and other Defendants¹ arising from child custody proceedings. Plaintiff states the events giving rise to her claims occurred in “The State of Ohio, city of Cincinnati and Hamilton County, Erlanger Kentucky and Clermont County Ohio.” Complaint at 5.

The Court concludes that the District of New Mexico is not the proper venue for this case under § 1391(b), because there are no allegations that a defendant resides in the District of New Mexico or that any of the events or omissions giving rise to the claim occurred in the District of New Mexico. The Court transfers this case to the Southern District of Ohio because some of the events giving rise to this case occurred in, and some of the Defendants are located in, the Southern District of Ohio.

IT IS ORDERED that this case is **TRANSFERRED** to the Southern District of Ohio.


Laura Fashing
United States Magistrate Judge

¹ One Defendant is “Sun Behavior Health of Erlanger Kentucky.” Plaintiff does not identify the citizenship of the Roe Defendants.